

EXHIBIT 28

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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

In Re:)
)
) No. 2:21-cv-00563-JCC
VALVE ANTITRUST LITIGATION)
)

VIDEO-RECORDED DEPOSITION UPON ORAL EXAMINATION OF
KASSIDY GERBER

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9:05 A.M.
THURSDAY, OCTOBER 5, 2023
701 FIFTH AVENUE, SUITE 5100
SEATTLE, WASHINGTON

Reported by: Tami Lynn Vondran, CRR, RMR, CCR/CSR
WA CCR #2157; OR CSR #20-0477; CA CSR #14435

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A P P E A R A N C E S

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ALSO PRESENT:

SHREVE VANZANTEN, Videographer

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I N D E X

EXAMINATION BY: PAGE:LINE

Mr. O'Rourke8:14

(Afternoon Session) Mr. O'Rourke130: 9

EXHIBITS FOR IDENTIFICATION MARKED

Exhibit 97 Email Exchange from Dan Nord,73:16

dated 4/30/18,

VALVE_ANT_1548456-461

Exhibit 98 Valve Corporation Steam81:12

Distribution Agreement,

VALVE_ANT_2814367-392

Exhibit 99 Email Exchange from Kassidy86:17

Gerber, dated 1/28/19,

VALVE_ANT_2567311-316

Exhibit 100 Email Exchange from Kassidy87:19

Gerber, dated 10/27/17,

VALVE_ANT_1804905-907

Exhibit 101 Email Exchange from Whitman92:15

Shenk, dated 2/15/17,

VALVE_ANT_1221288-291

Exhibit 102 Email Exchange from Chris108:13

Schenck, dated 4/27/20,

VALVE_ANT_2814301-311

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1 Q. Yes.

2 MR. SKOK: And, Ms. Gerber, again, don't
3 disclose contents of attorney-client communications. If
4 you can answer it otherwise, please do.

5 A. Well, I don't know why he's bringing it up
6 here, but NCSoft has another -- has versions of their
7 game that they operate off of Steam. And we just want
8 to make sure that they bring the same version of the
9 game with all of its content to Steam --

10 Q. (BY MR. O'ROURKE) Yeah. Why?

11 A. -- and they keep it updated.

12 Q. Why?

13 A. So that the version that's offered on NCSoft's
14 platform is the same as what's offered on Steam's.

15 Q. So there's no competition between NCSoft's
16 platform and Steam's platform on the content of the NC
17 game?

18 MR. SKOK: Object to the form.

19 A. So that -- the reason is so that Steam
20 customers, if they invest in the Steam version of the
21 game, don't feel like they're missing out on any
22 content. We don't want our customers to feel like they
23 are at any sort of disadvantage for purchasing on Steam.

24 Q. (BY MR. O'ROURKE) Can you understand that if
25 NCSoft has to sell the same version of its game on its

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1 own platform as the version that's being sold on the
2 Steam platform, there's no competition then for buyers
3 over the content of the game?

4 MR. SKOK: Object to the form.

5 A. You're asking if I understand that there's no
6 competition based on the content.

7 I guess I don't think of it that way.

8 Q. (BY MR. O'ROURKE) But can you see it that
9 way?

10 A. I see it as making sure when customers
11 invest -- this is -- I think NCSoft's games are all
12 free-to-play. So when a customer invests in a
13 free-to-play title on Steam and purchases things in that
14 game and builds their inventory for the Steam version of
15 an NCSoft game, that they have all the same options for
16 investment on the Steam version that they do on the
17 Guild Wars -- or the ArenaNet, NCSoft version.

18 Q. So if NCSoft is trying to get more customers
19 and buyers to its website, it's not able to
20 differentiate its content for its customers from what
21 they can buy on Steam?

22 MR. SKOK: Object to the form.

23 A. They can have different content as long as we
24 have content that is materially the same in the view of
25 the customers. So --